

August 1, 2006

Mr. John Ugoretz
Nearshore Ecosystem / MLPA Coordinator
California Department of Fish and Game
20 Lower Ragsdale Drive, Suite 100
Monterey, CA 93940

Dear John,

We wish to bring to your attention an error in the proposed MLPA regulation forwarded to the Fish and Game Commission. The regulations for both Package 2R and Package 3R are incorrect as they were developed by the CCRSG Stakeholders in December and as they were forwarded to the Department by the Blue Ribbon Task Force. It appears that DFG staff has again forwarded the incorrect file. This mistake was done before, and the MLPAL staff brought the mistake to the attention of the DFG.

In particular, the regulations for the Hopkins SMR in Package 2 read: "Note: regulations of existing Hopkins SMR (regarding anchoring) would not apply to the expanded areas."

What is in quotes was corrected after leaving the December CCRSG meeting, and before the Packages were considered by the BRTF on March 15, 2006. The quoted phrase above was eliminated, and should now not appear as part of the SMR regulation. The phrase was initially entered as part of the regulations, when it was mistakenly believed that anchoring was prohibited in the Hopkins SMR. Since anchoring is allowed, the anchoring phrase does not apply, and was not part of the BRTF Package 2R.

The Regulations of the Carmel SMCA in Package 3R do not have the language, "no spear fishing competitions allowed." After the December CCRSG meeting, both Package 2 and Package 3 had regulations to disallow spear fishing in the Pacific Grove SMCA and the Carmel Bay SMCA. In the regulations for Package 3, as forwarded to the BRTF and as forwarded to the DFG as Package 3R, the Carmel SMCA regulations disallowed spearfishing competitions. We request that the error in Package 3R for the Carmel SMCA be corrected.

The regulation language in Package 2R for the Pacific Grove SMCA is also a previous version which is rather confusing. It was the intent of the December CCRSG stakeholders to create an SMR from Esplanade Street to Asilomar Beach. The area between Esplanade Street and Asilomar Street was opened for hand harvesting of kelp. The regulations for that SMCA should clearly state that "no fishing is allowed west from a line drawn seaward as an extension of Esplanade Street," and that fishing is allowed eastward from this extension boundary to the Lovers Point boundary of the Pacific Grove SMCA. The wording should be fixed for clarity. Should Package 2R, Pacific Grove SMCA be adopted by the FGC, the following language may be suitable: **"In the portion of this SMCA west of an extension of Esplanade Ave offshore, take of fin fish is prohibited."**

Thank you for your attention to this matter. We hope you have an opportunity to correct these errors before the FGC on August 15th meeting, and address the corrections as needed during the August 2nd meeting.

Regards,

Daniel Davis, Package 3R CCRSG member
Jesús C. Ruiz, Package 2R CCRSG member